

MINUTES
MALIBU JOINT CITY COUNCIL / PLANNING COMMISSION
PUBLIC WORKSHOP
NOVEMBER 6, 2002
HUGHES AUDITORIUM
6:30 P.M.

CALL TO ORDER

Mayor Jennings called the meeting to order at 6:37 p.m.

ROLL CALL

The following persons were recorded in attendance by the Recording Secretary:

PRESENT: Mayor Jeffrey Jennings, Mayor Pro Tem Ken Kearsley, Councilmembers Sharon Barovsky, Joan House and Andrew Stern, Planning Commission Chair Richard Carrigan, Vice Chair David Fox, Commissioners Robert Adler, John Sibert, and Deirdre Roney

ALSO PRESENT: Katie Lichtig, City Manager; Christi Hogin, City Attorney; Drew Purvis, Planning Director; Stacey Rice, Senior Planner; Rick Morgan, Acting Public Works Director/City Engineer; Paul Adams, Parks & Recreation Director, and Lisa Pope, City Clerk

FLAG SALUTE

John Mazza led the Pledge of Allegiance.

APPROVAL OF AGENDA

MOTION Councilmember House moved and Councilmember Stern seconded a motion to approve the agenda. The motion carried unanimously.

REPORT ON POSTING OF AGENDA

City Clerk Pope reported that the agenda for the meeting was properly posted on October 29, 2002.

ITEM 1

A. PUBLIC COMMENTS

There were no public comments.

B. COUNCIL / PLANNING COMMISSION COMMENTS

Councilmember Stern asked that an item be scheduled for a future agenda for action regarding the California Coastline.org site prohibiting the City to use the site in any manner with regard to Code Enforcement.

Mayor Jennings invited the community to attend the Veterans' Ceremony on Veterans' Day.

ITEM 2 PUBLIC WORKSHOP

A. Public Workshop – Malibu Bay Company Development Agreement – Draft Environmental Impact Report

1. Staff Report Presentation

Planning Director Purvis stated the various consultants who participated in preparation of the Environmental Impact Report (EIR) were present to review various components of the report. The following consultants reviewed the processes involved, studies performed, potential impacts from the project, and proposed mitigation measures for each of the components of the EIR:

Transportation/traffic: Liz Kulhane, Krane & Associates
Air quality and Noise: Hans Drew, Drew & Associates
Cultural Resources: Jeannette McKenna, McKenna, *et al.*
Aesthetics: Laura Kaufman, Envicom Associates
Hazardous Materials: Laura Kaufman, Envicom Associates
Population & Housing: Laura Kaufman, Envicom Associates
Public Services including police, fire, school: Laura Kaufman, Envicom Associates
Parks & Recreation: Laura Kaufman, Envicom Associates
Water Services: Laura Kaufman, Envicom Associates
Solid Waste: Laura Kaufman, Envicom Associates
Electricity: Laura Kaufman, Envicom Associates

2. Public Comment

Dave Reznick thanked staff and the consultants for the time and effort they devoted to preparation of the EIR. He noted the Malibu Bay Company distributed approximately 200 disks with the EIR.

Ed Niles, on behalf of the applicant, questioned the determinations regarding significant view impacts from the residential portion at Trancas Canyon. He did not believe it would create any significant view blockage.

Dermot Stoker, Chair of the Parks and Recreation Commission, spoke in favor of the project. He felt the project would benefit the community in many ways including improving the City's tax base and providing both recreational and educational amenities.

Marcia Hanscom asked the Council to extend the time for public comments on the EIR. She asked that the developer provide documents regarding the project upon request at no cost. She felt the EIR should analyze impact based on loss of the City's primary fire staging area.

Mark Massara asked the Council to extend the time for public comments on the EIR. He felt the EIR contained fundamental flaws.

Ed Niles did not support the design of the commercial portion at Trancas. He felt the design did not take into consideration the unique character of the area and presented a revised design.

John Mazza expressed concern about the traffic study. He did not feel the numbers were consistent with existing conditions in the City.

Ryan Embree did not feel the mitigation measures were adequate to address the potential impacts from the project.

James Erickson stated the Malibu Bay Company has put a lot of work into the project. He felt it was a good project but agreed it needed additional review particularly with respect to traffic and view impacts.

Jack Corrodi spoke in favor of the project. He felt the project would benefit the community. He noted the commercial areas would reduce traffic trips by locally supplying commercial needs.

Steve Uhring was concerned about the traffic numbers contained in the EIR. The numbers did not appear to be consistent. He expressed concern about whether the Civic Center area could handle traffic in the event of an emergency.

Ryan Embree noted there appeared to be an error in the revised design for the intersection at Kanan Road and Pacific Coast Highway (PCH). He felt the regional demands on parks would result in additional impacts.

Patt Healy felt the EIR should have considered traffic impacts from Carden Road to Malibu Bridge. She was disappointed in the response she received to her comments. She asked for additional time for public comments on the EIR.

3. City Council/Planning Commission Comments and Questions

In response to Councilmember House, Planning Director Purvis confirmed the EIR consultant was retained by the City and not the applicant.

Mayor Pro Tem Kearsley asked for clarification on the air quality study. He asked the consultant to calculate the "break even" point of the project with respect to impacts.

Councilmember Barovsky questioned how the Council could approve the project if the impacts from air quality were unmitigable. Mr. Drew explained that pollution from traffic did not require permit approval. Councilmember Barovsky stated the proposed

mitigation of the Las Flores intersection needed to consider the future installation of the walkway.

Mayor Pro Tem Kearsley obtained clarification on the cultural resource study performed for the EIR.

Planning Commission Chair Carrigan asked if story poles would be required. Planning Director Purvis confirmed story poles would be on site within the next few weeks. Planning Commission Chair Carrigan asked if the Planning Department would analyze the potential development for the site without any discretionary relief. Planning Director Purvis stated a report would be available on November 10.

Commissioner Fox obtained clarification regarding the traffic study and the processes related to archeological/Native American monitors on-site. Ms. McKenna confirmed finding remains on-site would stop the project at least temporarily.

Commissioner Sibert recommended that growth along the 101 Corridor be incorporated into the traffic analysis. He hoped the water study considered the potential impacts of State-wide decisions regarding water. He asked for information regarding the lifetime of the landfill referred to in the solid waste study.

Commissioner Adler asked that the consultants attend the hearing before the Planning Commission because he had various questions for each consultant. He recommended the models be made available for public viewing at City Hall.

Commissioner Roney confirmed there was a study a few years ago that showing that 80% of PCH traffic comes from the Valley. She agreed that growth along the 101 Corridor had to be considered in the traffic study. She questioned whether there was room to widen PCH at Kanan Road as proposed in the EIR.

Mayor Jennings asked for a copy of the written responses to the issues raised at the prior workshop. He obtained clarification regarding trip generation numbers, assumptions used for the fields at Point Dume, and criteria used to evaluate view impacts. He asked for clarification regarding the revised commercial project.

David Reznick stated the revised commercial design was prepared by Mr. Niles on his own. He stated the Malibu Bay Company was prepared to consider the revised project.

Mayor Jennings asked how the revised project should be considered by the Council. Planning Director Purvis stated the revised design could be reviewed as a comment on the EIR and responded to in that regard.

Councilmember Stern questioned how the City could approve mitigation measures affecting PCH, which is outside of the City's control. City Attorney Hogin stated the

City needed to ensure that it has control over the conditions imposed or permission to impose conditions that are outside of its control.

Mayor Pro Tem Kearsley stated there was an old Richfield Station at the St. John's location which should be reviewed for possible soil contamination.

ADJOURN At 9:30 p.m., Councilmember House moved and Planning Commission Chair Carrigan seconded a motion to adjourn. The motion carried unanimously.

Approved and adopted by the City Council of
the City of Malibu on April 14, 2003.

KENNETH KEARSLEY, Mayor

ATTEST:

LISA POPE, City Clerk
(seal)